

IN THE HIGH COURT OF FIJI

AT SUVA

CRIMINAL JURISDICTION

CRIMINAL CASE NO. HAC 099 OF 2017S

STATE

vs

TIMOCI LOLOHEA

| | | |
|------------|---|---|
| Counsels | : | Ms. S. Navia and Ms. W. Elo for State Mr. A. Qeitaki for Accused |
| Hearings | : | 30 April, 1, 2 and 3 May, 2018 |
| Summing Up | : | 7 May, 2018 |
| Judgment | : | 7 May, 2018 |

JUDGMENT

1. The three assessors had returned with a unanimous opinion finding the accused guilty as charged.
2. The assessors had accepted the prosecution's version of events and had found the accused guilty as charged.
3. I had reviewed the evidence called in the trial and I have directed myself in accordance with the summing up I gave the assessors today.
4. The assessors' opinion was not perverse. It was open for them to arrive at this conclusion, given the evidence.

5. The assessors are there to assist the trial judge come to a decision on the guilt or otherwise of the accused. The assessors represent the public's view and it is only fair and just that their opinion be treated with respect.
6. The assessors' opinion showed they accepted the prosecution's witnesses' evidence. I accept the two eye witnesses' evidence, that is, PW1 and PW2. Both of them saw the accused stabbing the deceased repeatedly at the material time.
7. I also accept the accused's caution interview statements. He admitted he answered the 240 questions voluntarily. In the statements, the accused admitted stabbing the deceased repeatedly at the material time. He admitted the above actions caused the deceased serious injuries leading to her death. He admitted he intended to kill the deceased at the material time.
8. In paragraph twelve of the Agreed Facts, he admitted killing the deceased.
9. In his own sworn evidence, the accused admitted stabbing the deceased to death and he intended to cause her death on 20 March 2017.
10. The defence of provocation does not apply. There was a lot of time for the accused to cool down after hearing of his defacto wife's affairs. The violence he used on the deceased was out of proportion to any provocation given.
11. The defence of mental impairment does not apply. There was no evidence provided to support the above.
12. On the whole of the evidence, I agree with the three assessors' unanimous opinion and I find the accused guilty as charged and convict him accordingly.
13. Assessors thanked and released.



Solicitor for State
Solicitor for Accused

Office of the Director of Public Prosecution, Suva
Office of the Legal Aid Commission, Suva.



Salesi Temo

JUDGE